

FILED
OCT 27 2009
By PATRICK E. DUFFY, CLERK
DEPUTY CLERK, MISSOULA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,)	CR 09-16-BU-DWM
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
ROBERT JAMES LAWTON,)	
)	
Defendant.)	
_____)	

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on October 5, 2009. Neither party objected and therefore they are not entitled to de novo review of the record. 28 U.S.C. § 636(b)(1); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313

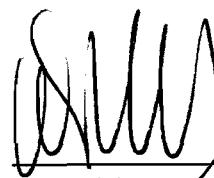
(9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept Lawton’s guilty plea after Lawton appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered his plea of guilty to the charges of receipt of child pornography, in violation of 18 U.S.C. § 2252A(a)(2), and possession of child pornography, in violation of 18 U.S.C. § 2252A(a)(5)(B), as well as agreeing to the forfeiture allegation, pursuant to 18 U.S.C. § 2253(a).

I find no clear error in Judge Lynch’s Findings and Recommendation (dkt #19) and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS HEREBY ORDERED that Lawton’s motion to change plea (dkt #10) is GRANTED.

DATED this 27th day of October, 2009.



Donald W. Molloy, District Judge
United States District Court